

1 MARIO N. ALIOTO, ESQ. (56433)
2 JOSEPH M. PATANE (72202)
3 LAUREN C. CAPURRO, ESQ. (241151)
4 TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP
5 2280 Union Street
6 San Francisco, CA 94123
7 Telephone: (415) 563-7200
8 Facsimile: (415) 346-0679
9 E-mail: malioto@tatp.com
jpatane@tatp.com
laurenrussell@tatp.com

7 *Lead Counsel for the*
8 *Indirect Purchaser Plaintiffs*

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 **IN RE: CATHODE RAY TUBE (CRT)) Master File No. CV-07-5944 JST**
13 **ANTITRUST LITIGATION)**
14) MDL No. 1917
15)
16) **DECLARATION OF JOSEPH M. FISHER**
17) **REPORTING ON CHUNGHWA NOTICE**
18)
19)
20)
21)

18 **This document relates to:**)
19)
20 **ALL INDIRECT PURCHASER ACTIONS**)
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I, Joseph M. Fisher, declare:

2 1. Identification. I am the president of The Notice Company, Inc., a Massachusetts
3 corporation with offices at 94 Station Street, Hingham, MA 02043 (“The Notice Company”). The
4 Notice Company is principally engaged in the administration of class action settlements and
5 lawsuits pending in courts around the United States, including the dissemination of notice to class
6 members, administering the claims process, and distributing the proceeds of the litigation to the
7 class. I have over a decade of experience assisting attorneys with class action notices and claims
8 administration. I am also a member in good standing of the bars of the Commonwealth of
9 Massachusetts, the District of Columbia, and the Commonwealth of Virginia. I am over 21 years
10 of age and not a party to this action. The Notice Company is the Claims Administrator,
11 responsible for receiving and processing claims in these Settlements. I have personal knowledge
12 of the facts set forth herein and, if called as a witness, could and would testify thereto under oath.

13 2. Purpose of Declaration. I am reporting on the dissemination of notice in
14 connection with the Chunghwa settlement plan of allocation and the reopening of the claim
15 period for resellers as ordered by the Court its Order Granting Final Approval of Indirect
16 Purchaser Settlements, dated July 7, 2016 (the “Final Approval Order”), and its Order Approving
17 Chunghwa Forms of Notice, dated July 18, 2016 (the “Chunghwa Notice Order”).

RESELLER NOTICE

19 3. Notice Program for Resellers. In order to reach entities that indirectly purchased
20 CRT Products for the purpose of resale (“Resellers”), The Notice Company implemented a
21 Notice Program designed to notify Resellers of the distribution of Chunghwa funds, to afford
22 Resellers the opportunity to object to the plan of distribution, and to allow Resellers to submit
23 claims for payment from the Chunghwa settlement.

24 4. CRTclaims.com Website – Reseller Information. On July 29, 2016, the settlement
25 website, at **www.CRTclaims.com**, was updated to include a Detailed Notice to Resellers in the
26 form approved by the Court as shown at **Exhibit A** attached hereto, a Summary Notice to
27 Resellers in the form approved by the Court as shown at **Exhibit B** attached hereto, and a

1 Reseller Claim Form in the form approved by the Court as shown at **Exhibit C** attached hereto.
2 Also posted on the settlement website were Spanish-language versions of the Detailed Notice,
3 Summary Notice and Reseller Claim Form, as shown at **Exhibits D, E and F**, respectively. The
4 notices clearly inform Resellers of their right to object by September 30, 2016, to the proposed
5 allocation of the Chunghwa settlement funds between end user and Reseller claimants. The
6 Reseller Claim Form includes instructions to Resellers for obtaining payment from the
7 Chunghwa Net Settlement Fund, as well as clearly stating that the claims deadline is November
8 29, 2016.

9 5. Mailed Notice to Resellers. On July 29, 2016, The Notice Company sent to
10 Resellers a postcard notice in the form approved by the Court as shown at **Exhibit G** attached
11 hereto. The postcard notice informed Resellers of their opportunity to submit a claim, their right
12 to object to the proposed allocation of funds from the Chunghwa Settlement and provided
13 instructions if they want additional information. For purposes of this mailing, Resellers were
14 identified utilizing the North American Industry Classification System (NAICS)¹ to classify
15 resellers, including entities in the retail, wholesale and manufacturing sectors. The following
16 NAICS codes were used:

- Code 443142 (Electronics Stores);
- Code 452111 (Department stores, except discount department stores);
- Code 452112 (Discount Department Stores);
- Code 452910 (Warehouse Clubs and Supercenters);
- Code 423620 (Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers);

²⁵ The U. S. Census Bureau explains: "The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U. S. business economy. NAICS was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification (SIC) system." See <http://www.census.gov/eos/www/naics/>.

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1 ➤ Code 423430 (Computer and Computer Peripheral Equipment and Software
 2 Merchant Wholesalers);
 3 ➤ Code 334118 (Computer Terminal and Other Computer Peripheral Equipment
 4 Manufacturing); and
 5 ➤ Code 453210 (Office Supplies and Stationery Stores).

6 On July 19, 2016, the NAICS Association, LLC, utilizing data obtained from Hoover's Inc.,
 7 provided to The Notice Company a list of company names and mailing addresses for each of the
 8 NAICS codes listed above. After eliminating duplicate entries, the net size of the mailing list
 9 was 89,566. Prior to mailing the postcards, all addresses for Resellers were updated utilizing
 10 NCOA^{Link} data from the U.S. Postal Service.² On July 29, 2016, postcard notices were mailed to
 11 the entire mailing list. The Postal Service returned 1,445 postcards where the company's mailing
 12 address was no longer deliverable and no forwarding instructions were available; an additional
 13 115 postcards were returned with updated address information. The Notice Company promptly
 14 remailed the postcard notice to the updated addresses. Thus, the notice was mailed to 98.4% of
 15 the entities that meet reseller classification codes identified using the NAICS.

16 6. Notice by Email to Resellers. On August 1, 2016, an email notice in the form
 17 shown as **Exhibit H** attached hereto was sent to the email list of Consumer Technology
 18 Publishing Group (CTPG). The email notice provided the same information as contained in the
 19 postcard notice, informing Resellers of their opportunity to submit a claim, their right to object to
 20 the proposed allocation of funds from the Chunghwa Settlement and providing instructions if
 21 they want additional information. CTPG is a division of NAPCO Media; it publishes
 22 **Dealerscope** magazine and offers services to consumer electronics retailers and e-tailers of all
 23 sizes. CTPG's email list includes the leading consumer electronics retailers, distributors, buyers
 24 and manufacturers in the United States. There were 27,994 emails transmitted to CTPG's email

26 2 NCOA^{Link} is a secure dataset of approximately 160 million permanent change-of-address
 27 records consisting of the names and addresses of individuals, families and businesses who have
 28 filed a change-of-address with the USPS

1 list. The Notice Company achieved a 99.76% deliverability of the emails, with only 66 email
 2 addresses proving to be undeliverable.

3 7. Website Banner Ads Directed to Resellers. Commencing July 31, 2016, website
 4 banners in the forms attached hereto as **Exhibit I** were displayed on the on the **TWICE** website,
 5 **www.Twice.com**, with the banner ads linking directly to the **www.CRTclaims.com** settlement
 6 website. **TWICE** magazine is published by NewBay Media; it provides multichannel-marketing
 7 solutions targeted to resellers of consumer electronics and computers. NewBay Media reports
 8 that The Notice Company's website banners received 180,020 impressions, which is the number
 9 of times the website banners were displayed on the **TWICE** website.

10 8. Print Ad of General Circulation. On July 31, 2016, the Summary Notice
 11 substantially in the form attached hereto as **Exhibit B** was published in **The Sunday New York**
 12 **Times**. The advertisement informed Resellers of their opportunity to submit a claim, their right to
 13 object to the proposed allocation of funds from the Chunghwa Settlement, and provided
 14 instructions if they want additional information. Attached hereto as **Exhibit J** is an Affidavit
 15 from **The New York Times** establishing Proof of Publication.

16 9. PR Newswire: Press Release and Social Media. On August 1, 2016, The Notice
 17 Company issued the Summary Notice, in both English and Spanish, as a nationwide press release
 18 utilizing the U.S. domestic news line of PR Newswire. Attached hereto as **Exhibits K and L** are
 19 the English and Spanish versions, respectively, of the press release. PR Newswire also promoted
 20 these press releases via its Twitter feed and through its Consumer Electronics blog and its
 21 Computer Hardware blog. As a result, the English version of the press release was picked up by
 22 232 media outlets as described in **Exhibit M** attached hereto, thereby exposing the press release
 23 to a potential audience totaling 89,983,730. The Spanish version of the press release was picked
 24 up by 128 media outlets as described in **Exhibit N** attached hereto, resulting in exposure to a
 25 potential audience totaling 76,365,851.

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END-USER NOTICE

2 10. Notice Program for End Users. In order to inform end-user claimants of the
3 distribution of Chunghwa funds, and to afford such end users the opportunity to object to the plan
4 of distribution, The Notice Company provided notice as described below.

5 11. Email Notice to End Users. On August 1, 2016, The Notice Company directed
6 notice by email, in the form approved by the Court as shown at **Exhibit O** attached hereto, to all
7 end-user claimants or their representatives with a valid email address. The notice informs end
8 users of the September 30, 2016 deadline for objecting to the proposed plan of distribution for the
9 Chunghwa settlement funds. The notice also informs end users of the opportunity to submit
10 claims as a Reseller if they qualify.

11 12. Mailed Notice to End Users. On August 1, 2016, The Notice Company directed
12 notice by *regular* mail, in the form approved by the Court as shown at **Exhibit P** attached hereto,
13 to all end-user claimants where a valid email address was not available. A total of 3,085 notices
14 were mailed on August 1, 2016. In addition, follow-up notices were sent by regular mail to those
15 claimants whose email notice had “bounced” or proved undeliverable. Since August 1, 2016, a
16 total of 1,844 follow-up notices were sent by regular mail.

17 13. Notice to Other Interested Persons. On August 1, 2016, The Notice Company
18 directed notice by email of the proposed plan of distribution for the Chunghwa settlement,
19 substantially in the form attached hereto as **Exhibit H**, to a list of an additional 1,110 persons.
20 The list was comprised of persons who had previously registered at the settlement website to
21 request updates about the litigation or who had previously opted out of the end-user settlements.

OBJECTIONS

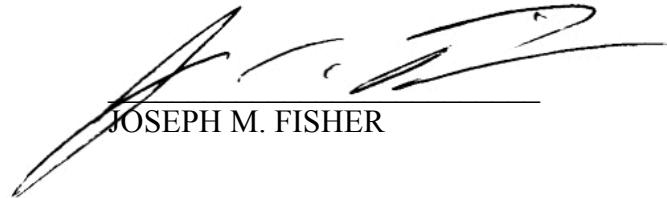
23 14. No Objections. The Notice Company received no objections to the proposed plan
24 of distribution for the Chunghwa Settlement.

25 15. Correspondence from Glenn Greene. The Notice Company received a "Notice"
26 from Mr. Glenn Greene, which was filed with the Court on September 13, 2016. A copy of the
27 Notice is attached hereto as **Exhibit Q**. Mr. Greene stated that he was not able to "view the Plan

1 of Distribution.” According to The Notice Company’s records, Mr. Greene is an end-user
2 claimant; in August 2015 he had submitted a claim as an end-user indirect purchaser of CRT
3 products. One of the Class Counsel, Joseph M. Patane, informs me that he attempted,
4 unsuccessfully, to reach Mr. Greene by telephone and email. On September 22, 2016, I sent a
5 letter to Mr. Greene as shown at **Exhibit R** attached hereto, responding to his Notice. To date I
6 have received no reply or any further communications from Mr. Greene.

7 I declare under penalty of perjury under the laws of the United States that the foregoing is
8 true and correct.

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10 Executed at Hingham, Massachusetts, this 11th day of October, 2016.

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14 JOSEPH M. FISHER
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